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SHALL SCHOOL BOARDS BE COLOR-BLIND OR COLOR-CONSCIOUS.

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VARIOUS DEVICES ARE USED TO SEGREGATE SCHOOLS--GERRYMANDERED DISTRICTS, IMPROPER SITE SELECTION, UNDER- OR OVER-UTILIZATION OF SCHOOLS, TRANSFER POLICIES, AND ASSIGNMENT OF CLASSES OR GRADES TO A PARTICULAR SCHOOL. BUT IN AREAS WITH A HIGH DEGREE OF MINORITY GROUP CONCENTRATION AND HIGH BIRTH RATE, DESEGREGATION CAN BE DIFFICULT TO ACHIEVE. AN AFFIRMATIVE POLICY STATEMENT THAT DESEGREGATION IS AN EDUCATIONAL RESPONSIBILITY AND THE TAKING OF A RACIAL CENSUS ARE PRIMARY STEPS THAT PRECEDE AN ATTACK ON SEGREGATION. NEW YORK CITY HAS USED THREE ADDITIONAL APPROACHES--ZONING BASED ON INTEGRATION, SCHOOL SITE SELECTION, AND OPEN ENROLLMENT. HOWEVER, IT IS MORE IMPORTANT TO CONCENTRATE ON TRANSFERRING PUPILS FROM OVERCROWDED SCHOOLS WITH DOUBLE SHIFTS TO UNDER-UTILIZED SCHOOLS WITH FULL-TIME SCHEDULES. ADDITIONALLY, OPEN ENROLLMENT MAY BE CRITICIZED FOR SIPHONING OFF THE "BEST" PARENTS AND CHILDREN AND THUS LEAVING THE SENDING SCHOOL WITH "POORER" HUMAN RESOURCES. IT SHOULD ALSO BE RECOGNIZED THAT THE ACHIEVEMENT LEVEL GAP WILL NOT BE ELIMINATED BY DESEGREGATION BUT REQUIRES MASSIVE SPECIAL PROGRAMS. THIS ARTICLE IS PUBLISHED IN THE PROCEEDINGS OF THE INVITATIONAL CONFERENCE ON NORTHERN SCHOOL DESEGREGATION--PROGESS AND PROBLEMS, P. 17-23. (NH)

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Chairman:

We had a little bit of a discussion a few minutes ago as to who comes first - not who comes first, the chicken or the egg - but who comes first among the speakers. We decided that even if we somewhat overlapped from time to time in the papers and discussions which we are bringing to you, it would be best to proceed from the more general to the more specific, from papers that deal with the country at large to papers that focus on a single city or on a single project.

I am pleased to present, as the first speaker, the very effective national executive director of a very effective national organization, Mr. Will Maslow of the American Jewish Congress. Mr. Maslow's topic is "Shall School Boards be Color-Blind or Color-Conscious?".

SHALL SCHOOL BOARDS BE COLOR-BLIND OR COLOR-CONSCIOUS?

Mr. Will Maslow, National Executive Director
American Jewish Congress

I want to dwell a moment on the two terms that Mr. Lowell used in describing this problem: de jure segregation and de facto segregation. The distinction is important because different legal implications flow from the two terms. By de jure desegregation we mean a system of contrived segregation - contrived by public officials. Now, it may be contrived as it has been in the South by a state law; it may be contrived by a resolution of a board of education, or it may be contrived "under the table" by means of one or another of a variety of devices, without a formal declaration of policy. But all of these contrivances are designed either to increase or decrease the Negro or Puerto Rican percentage of a school or of a school district. De facto segregation is a system whereby you have an excessive concentration of minority group children in a particular school without any deliberate policy by an official body. This concentration may result from the bias of local landlords or of local real estate boards, but it is not the result of a policy for which the board of education or any public official has any responsibility. Now, up to this time, the courts have held that there is no legal responsibility for any school board to do anything about de facto segregation. The New Rochelle case is not an exception

to that statement. In New Rochelle the court found, specifically, a policy of segregation contrived by the school board. As far as the direction the courts give us, they tell us that contrived policy is illegal but that de facto segregation is something that the court cannot command the school board to do anything about. If the school board wishes to do something about it, it does so out of its educational, as well as its moral responsibility, rather than out of any legal responsibility. This places a dilemma upon the school boards of the North. Shall they be, in the striking phrase of Plessy vs. Ferguson, "color-blind", and say, as does the city of Chicago, we are not responsible for the de facto segregation that arises from the black belt of Chicago and, therefore, we will do nothing about it. Chicago says, in effect: "We are unconcerned about the color or race of the children going to our schools; we keep no records of race, we have no estimates, this is not our problem. That is the problem of society". The opposite approach is that of New York City and New York State, which now say that de facto desegregation is educationally undesirable; that it is impossible to give a child a completely democratic education when he is in a situation where all of his classmates are of the same race. This is the "color-conscious" approach.

A city choses either the approach of New York or the approach of Chicago. San Francisco, as Mr. Lowell has mentioned, is going down the New York path. San Francisco has asked its superintendent of schools to make a survey of the racial situation and to come back with recommendations. In other words, it has assumed a moral responsibility. In Detroit, the board of education has appointed a Citizens Advisory Committee which, after two years of work, came back with a massive report describing widespread concentrations of Negro population and with a host of recommendations as to how to deal with this fact. On the other hand, Philadelphia is a city which, by and large, has accepted the "color-blind" approach. But there is one great difference in Philadelphia; Philadelphia has also always had the policy which we call "open enrollment". Namely, that any child, in any school district, can transfer to any other school provided the receiving school has room for him.

Segregation can be contrived in a variety of ways without adopting any formal resolution. You can do it first of all by gerrymandering districts. Improper site selection is another device for perpetuating segregation or creating it. In New Rochelle, for example, the school board persisted in relocating an obsolete and dilapidated school in the heart of a Negro area, in order to make sure that the new school would

be occupied exclusively by Negroes. A third policy favoring segregation is the deliberate under-utilization or deliberate over-utilization of certain schools. In New Rochelle, the school board deliberately chose to erect on the site of the nearly all-Negro Lincoln School a very small new school which would house only 400 pupils, knowing that if it increased the capacity of the new school it would necessarily have to admit to it white children, as well. Thus, the board followed a policy of deliberate under-utilization to perpetuate a wholely Negro school. In Chicago, we have deliberate over-utilization of schools. Negro schools remain overcrowded on double shifts, white schools remain under-utilized on single time and the school board resists all effort to transfer Negro children from crowded schools to less crowded schools. A fourth method of promoting segregation is by an improper transfer policy. That was one of the chief means that Judge Kaufman found to have been used by the school board at New Rochelle to create, maintain, or perpetuate a predominantly all-Negro school, namely, allowing transfers out of the school district at one time and freezing them at another. And, finally, you can promote segregation by the arbitrary assignment of classes or grades to a particular school.

Now, let's look at the reverse of the situation. How do you go about desegregating a school system? I don't want to spend any time on the problems of the suburbs (where you have few Negroes), because I think they are relatively simple of solution. There are a variety of solutions, but they consist, in essence, of what is known as the Princeton Plan, because it was first started in Princeton, N.J. All of the children (Negro and white) in a given area go to one school for certain grades (say kindergarten to 3rd grade), and all of the children in the same area go to another school for other grades (say 4th grade to 6th grade). Thus, although one school may have originally been predominantly white and the other predominantly non-white, the result of the Princeton Plan is to wind up with two or more desegregated schools. However, when you get into a metropolitan area with an intense concentration of Negroes or Puerto Ricans, then your problems arise. (I ought to point out that school desegregation is by no means an exclusively Negro or Puerto Rican problem. In Los Angeles, they have schools that are almost completely Latin American. In San Francisco, they have schools that are completely Chinese or Japanese. So you can see the variety of minority groups involved.) Now, assuming that a city with a large Negro population and with many <u>de facto</u> segregated schools wanted to do something about the problem, I think all experts are agreed that it must first start by a declaration

of policy. It must tell the community what it is doing and why it is doing it. This is how New York began in December, 1954 with a courageous statement, saying that desegregation is an educational responsibility. A second step, equally indispensable in my opinion, is the making of a racial census. Unless a school board knows how many Negroes there are in its various schools, it cannot effectively go further. Now, that doesn't mean that the school has to list the color or the race of the child on its school record, or that the child must be asked whether he is Negro or Puerto Rican. What New York has been doing now for several years is to have the teacher make estimates by head counts, without questioning the children. While the resulting figures may not be 100% precise or scientific, they are good enough for every practical purpose. The result is that New York now knows approximately how many Negroes or Puerto Ricans there are in every single class in the 600 or more schools of New York City. When Detroit began its two-year study, the first thing it did was to undertake a racial school census.

After you have obtained your census data and have issued your policy statement, what do you do next? The Commission on Integration, which was appointed by New York City's Board of Education in 1954, recommended three main approaches to the problem of desegregation. The first was to make integration one of the cardinal principles in zoning and, when practicable,to re-zone school districts, in order to promote integration. This doesn't have to result in arbitrary school district lines. The second method of reducing segregation is in the selection of a school site. If a school building is going to be located in Harlem, it is going to be impossible to bring about an integrated school. A school placed in the heart of a black belt is bound to remain completely segregated. A school placed in a fringe area has a chance of becoming an integrated school, provided that the neighborhood itself does not change. Now, this places a cruel dilemma upon the school administrator. Shall he continue to maintain the obsolete and dilapidated school buildings in the heart of the slum areas, buildings so old that they lack lunch rooms, lack gymnasiums, lack playground space; or shall he locate new buildings on the edge of a black belt in a fringe area, retaining the Jim Crow schools in the black belt? There are no easy answers to that problem. What New York City has done, I think, is to abandon completely the recommendation of the Commission of Integration that new schools shall be placed whenever possible in fringe areas. I do not say that they necessarily deserve censure for that. With more money available, it might, perhaps, be possible to do both things.

But if you are forced to choose between continuing schools which are nothing but hovels or putting new schools in fringe areas, I can't blame educational administrators for deciding that the hovels just have to be replaced by new schools in the very same neighborhoods.

The third main method of desegregation is what New York calls its "open enrollment" policy (which Philadelphia and Baltimore have always maintained), and that is to abandon the idea that a child must go to a school within his immediate neighborhood. New York has abandoned that and now allows children from so-called "sending schools" to go to "receiving schools" out of the neighborhood. Now these children are not allowed to attend the receiving schools selected on the basis of their race or color. No individual in New York City is being granted or denied a privilege of any kind in the school system because of race or color. In my opinion, if New York were to do that, it would not only be illegal, it would also be immoral and would probably, in the long run, be self-defeating. What New York school administrators are doing is selecting the "sending schools" only from among those schools in which Negroes and Puerto Ricans are 90% or more of the enrollment. As a result of its racial census, New York is able to identify these schools without any great difficulty. It then allows everyone in a "sending school", including the small number of continental whites, to transfer to a "receiving school" if he so wishes.

The "receiving schools" are chosen with two qualifications in mind. First of all, they must have a Negro-Puerto Rican population that is appreciably lower than the "sending schools" (otherwise nothing would be achieved by the whole operation). Secondly, they must have some extra room, otherwise the result might be to transfer children from a school where there is a single full-time session, to a school where there are two part-time sessions. The results of this program have been that some 5000 children in all have been transferred out of these segregated and double session "sending schools" into desegregated and single session "receiving schools".

Let us remember, however, that 44% of the elementary register in the City, as a whole, is Negro-Puerto Rican. You are not going to solve a problem of this magnitude, you are not going to eliminate segregation, by the "open enrollment" policy alone. Nevertheless, the policy has great symbolic value. It is at least a symbol of our striving for democratic equality.

There is another approach which is utilized in combating

segregation in New York, which has not received much attention and which, I believe, is even more important than "open enrollment". In New York City, some 20,000 children on double time, that is, on a four hour part-time shift, have been transferred to other schools where they attend full-time. Most of the children attending part-time schools are Negro-Puerto Rican children. Transferring them to less crowded schools achieves two purposes: first of all, it removes a gross inequality in education and, secondly, it is much more effective in reducing the number of children going to segregated schools than anything else that New York City has yet come up with. Now, there is still a pool of 80,000 children in New York City, most of them Negroes and Puerto Ricans, still on a part-time schedule. If we would concentrate on these 80,000 children, we would achieve greater results in a much shorter period of time than we ever can achieve by permissive "open enrollment".

You must understand, also, that there are some educators who have doubts that the permissive enrollment policy is a wise policy on any score. They argue that what it does is merely to drain off from the school the best parents and the best children. Those parents who are most concerned about the education of their children, who are most likely to be the leaders of the PTA, are also most likely to have the brightest children in the school. The "open enrollment" policy drains off these children and leaves the school with much poorer human resources. Secondly, there are difficulties in persuading a parent that it is advantageous for his child to leave his own neighborhood and travel by bus to some distant area in order to find a school building that is under-utilized and desegregated. This is particularly difficult when the parent has two or more children attending a neighborhood school and then has to separate the siblings: one going to one school, and one going to another.

New York City started its integration program in 1957. The results today, while they would give New York City an A for effort, are far from giving New York City an A for the actual results achieved. When the program started, there were 64 elementary schools in New York City, with a Negro concentration of 90% or higher. Today, five years later, the number of such schools has increased to 102, an increase of 50%. New York City administrators seem to be trying to go down a rapidly ascending escalator. One reason for this great increase is that the number of Negroes and Puerto Ricans in many sections of New York continues to increase, and the number of continental whites continues to decline. New York

City has achieved practically nothing by redistricting schools.

I want to mention another major problem which I won't have time to go into at all, but which must be considered, while we grapple with the difficulties of desegregation, and that is the problem of the awful gap in the achievement level between children from slum areas and children from outside these areas. In 1955, a study by the Public Education Commission showed that there was almost a two year differential in reading levels between children in the eighth grade attending de facto segregated schools and children attending a mixed school. After four years of special programs, the president of the board of education, in a public statement before a State legislative committee, testified that there are 177,000 children in New York City, who are more than two years behind in their reading level. I am not saying this because I think there was an easy solution which New York has overlooked. I am saying this to point out some of the inherent difficulties in the effort to desegregate a metropolitan area and to equalize education opportunities. This does not mean that New York City should abandon its desegregation programs; it doesn't mean that Conant was right when he said that nothing but token efforts at desegregation are possible. It means that New York City must redouble its efforts. Instead of the one and one-half million dollars that are being spent each year on Higher Horizons programs, we must begin to spend fifteen or thirty million dollars a year on such special programs. Instead of relying exclusively on "open enrollment", we have got to spend as much time on the overcrowded slum schools which "open enrollment" will hardly help. Unless New York City redoubles its efforts, the situation will grow worse year after year.

Chairman:

Thank you very much, Will Maslow. I would like to comment briefly on the last remark Will has made, that we should be spending $30,000,000 on a Higher Horizons program, by pointing up the fact that the whole problem of educational responsibility and the source of educations funds do not necessarily have to be solved by referring to the budget of the City of New York, or the budget of the State of New York, or the budget of the City of Detroit, or the budget of the State of Michigan. It is obviously the responsibility of the Federal Government to find these kinds of funds and make them available.